



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,826	10/30/2003	Frederick A. Perner	100111472-7	1877

7590 09/03/2004
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

NGUYEN, VAN THU T

ART UNIT	PAPER NUMBER
----------	--------------

2824

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,826

Applicant(s)

PERNER ET AL.

Examiner

VanThu Nguyen

Art Unit

2824

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,9,11 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,9,11,17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Search Report</u> . |

DETAILED ACTION

1. Claims 1, 9, 11, 17 are present for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Gallagher et al. (U.S. Patent No. 5,640,343).

Regarding claim 1, Gallagher et al. disclose, in FIG. 2, a data storage device comprising an array of resistive memory cells having rows and columns; a set of diodes electrically connected in series to a plurality of memory cells in the array; a plurality of word lines (1-3) extending along the rows of the array; a plurality of bit lines (4-6) extending along the columns of the array; a first selected memory cell in the array (70), wherein the first selected memory cell is positioned between a first word line (1) in the plurality of word lines and a first bit line (4) in the plurality of bit lines; and a circuit (51 and 53) electrically connected to the array and capable of monitoring a signal current flowing through the first selected memory cell and comparing the signal current to an average reference current in order to determine which of a first resistance state and a second resistance state the first selected memory cell is in (see column 8, lines 38-51).

Regarding claim 11, it encompasses the same scope of invention as to that of claim 1 except it drafts in method format instead of apparatus format. The claim is therefore rejected for the same reason as set forth above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher et al. in view of Tran et al. (U.S. Patent No. 6,385,111).

Regarding claim 9, Gallagher et al. disclose, as applied in prior rejection of claim 1, all claimed subject matter except the average reference current being obtained by monitoring memory cells other than the first selected memory cell.

Tran et al. disclose, in FIG. 3, a memory cell being read by comparing its signal current (I_s) to an average reference current (I_r) wherein the average reference current being obtained by monitoring memory cells (251-254) other than the first selected memory cell.

Since Gallagher et al. and Tran et al. are both from the same field of endeavor, the purpose disclosed by Tran et al. would have been recognized in the pertinent art of Gallagher et al.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to obtain an average reference current via other memory cells for the purpose of establishing reliable reference signal.

Regarding claim 17, it is rejected under U.S.C. 103(a) since it recites the same limitation as in claim 9.

Art Unit: 2824


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VanThu Nguyen whose telephone number is (571) 272-1881. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Elms can be reached on (571) 272-1869. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VTN
September 1, 2004


VanThu Nguyen
Primary Examiner
Art Unit 2824